



October 9, 2008

Mr. Philip Allen (6SF-AP)
Remedial Project Manager
U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, TX 75202-2773

Dear Mr. Allen:

Attached please find a summary Progress Report for September 2008. This report was prepared on behalf of the Patrick Bayou Joint Defense Group, the Respondents to the Administrative Settlement Agreement and Order on Consent for the Patrick Bayou Superfund Site in Deer Park, TX. Should you have any questions, please call me at 919-539-1928 or e-mail me at [bobjp@projectnavigator.com](mailto:bobp@projectnavigator.com).

Sincerely,

s/R Piniewski

Robert Piniewski
Project Coordinator

Attachment

cc: Maureen Hatfield – TCEQ
Joe Bell - TCEQ
Jessica White - NOAA
Patrick Bayou Joint Defense Group

Monthly Progress Report for September 2008
Submitted October 9, 2008
Patrick Bayou Superfund Site
Deer Park, Texas

The Administrative Settlement Agreement and Order on Consent (AOC) for the Remedial Investigation/Feasibility Study (RI/FS) at the Patrick Bayou Superfund Site (Site) in Deer Park, Texas was entered on January 31, 2006. The Respondents include The Lubrizol Corporation, Occidental Chemical Corporation and Shell Oil Company, on behalf of Deer Park Refining Limited Partnership and Shell Chemical LP. The Respondents have formed the Patrick Bayou Joint Defense Group (JDG) to perform the work.

A. Summary of Work Performed – September 2008

The JDG, Project Navigator, and Anchor Environmental (Anchor), completed work on the following tasks:

- Continued effort on response to regulatory comments on Contaminants of Potential Concern (COPC) Report
- Follow up on action items from the Technical Work Group meeting held on July 16, 2008 with representatives from EPA, TCEQ and NR Trustees
- Compilation and validation of additional data from EPA and TCEQ
- Development of work plans to conduct field efforts in support of Risk Assessment
- Continued evaluation of data from Supplemental RI Work Plan tasks
- Continued evaluation of sediment transport modeling efforts
- Planning for the draft Risk Assessment Work Plan
- Conducted teleconference with the Technical Work Group representatives on September 23, 2008

B. Summary of Agency Communication

On September 23, the Technical Work Group representatives from EPA, TCEA, NR Trustees and the JDG conducted a teleconference. Agreements and Action items from the teleconference were distributed in a Technical Memo dated September 23, 2008. One primary change resulting from the call was to complete mixing zone evaluation work during the Fall 2008, and obtain approval of the Risk Assessment Work Plan prior to any further field efforts associated with the risk evaluation.

The written communication between the JDG and EPA subsequent to the filing of the AOC is summarized in the attached Table 1.

C. Summary of Sampling Results

None this reporting period.

D. Problems, Delays and Solutions

None this reporting period.

E. Projected Work for Next 2 Reporting Periods –October and November 2008

The JDG and Anchor expect to complete the following tasks in October and November 2008:

- Attend a Technical Work Group Meeting at the TCEQ offices in Austin, TX on November 6, 2008. The meeting will include training on probabilistic risk assessment methodologies and final discussion of Response to Comments on the Draft Selection of Contaminants of Potential Concern (COPC) Report
- Finalize validation of additional site data provided by TCEQ and EPA, incorporate into Responses to EPA comments on the Draft COPC Report, and submit to EPA prior to November 6 meeting.
- Prepare draft Work Plan for high resolution sediment sampling for mixing zone evaluation. Submit to EPA prior to November 6 meeting
- Preparation of draft technical memorandums describing results from the Supplemental RI Work. Memos to include;
 - Pore water evaluation
 - Geotechnical engineering evaluation
- Begin preparation of draft Upstream Source Characterization and Evaluation Report and Sediment Transport Modeling Report

F. Schedule

The overall RI/FS project schedule in Gantt chart format was updated in the Final General RI/FS Work Plan. That schedule will serve as the baseline schedule for the RI/FS, with an updated schedule, attached, provided each month.

Prepared by:
Robert Piniewski
Project Coordinator

Table 1
Agency Communication Summary
Patrick Bayou Superfund Site

JDG Submittal Date	JDG Communication Summary	Response From EPA Date	EPA Communication Summary	Notes
2/24/06	AOC Required Notifications	none	N/A	Identify Project Coordinator and RI/FS Contractor, provide Certificates of Insurance and Anchor Quality Management Plan
2/28/06	Payment of Past Costs	6/12/06	Notice of end of public comment period on cost recovery actions	
3/1/06	Financial Assurance	none	N/A	
4/28/06	Draft Preliminary Site Characterization Report (PSCR)	6/15/06	Agency comments received on Draft PSCR	
6/7/06	Approach to RI/FS Work	6/7/06	EPA approved approach	RI/FS will utilize Adaptive Management and a phased approach
6/27/06	Draft Work Package I Work Plan	7/7/06	EPA approved Work Plan	
8/2/06	Response to Comments on PSCR	9/22/06	EPA approved PSCR	
8/17/06	Draft General RI Work Plan	9/21/06	Agency comments on Draft General RI Work Plan	
8/17/06	Draft Work Package 2 Work Plan	9/21/06	Agency comments on Draft General RI Work Plan	
9/27/06	Response to Agency Comments on Work Package 2 Work Plan	9/27/06	EPA approval to mobilize for Work Package 2 field work	JDG response to comments focused on field work related comments only
10/26/06	Submittal of Laboratory Qualifications and QA Manual(s)	pending		
10/31/06	Deviations from WP2 Work Plan	pending		Minor deviations that occurred during the recent implementation of Work Package 2
12/14/06	Deviation from WP1 Work Plan	3/1/07	Verbally approved by EPA at Site Status Meeting	Work Package 1 will finalize the list of COPC, a project database and validation of past data that will be carried forward

Table 1
Agency Communication Summary
Patrick Bayou Superfund Site

JDG Submittal Date	JDG Communication Summary	Response From EPA Date	EPA Communication Summary	Notes
1/9/07	Response to Agency Comments on General RI Work Plan and Work Package 2 Work Plan	pending		
1/9/07	Final General RI Work Plan and Work Package 2 Work Plan	pending	Agency comments received February 28, 2007	
2/16/07	Draft WP 1 technical memorandums	pending	Agency comments received March 20-23, 2007	
4/5/07	Submit Work Package 2 Data Report	pending		
1/9/07	Response to Agency Comments on General RI Work Plan and Work Package 2 Work Plan	pending		
1/9/07	Final General RI Work Plan and Work Package 2 Work Plan	pending	Agency comments received February 28, 2007	
2/16/07	Draft WP 1 technical memorandums	3/23/07	Agency comments received March 20-23, 2007	
4/5/07	Submit Work Package 2 Data Report	pending		
4/25/07	Response to second set of regulatory comments on General RI Work Plan and Work Package 2 Work Plan	pending		
5/11/07	Submit Draft Supplemental RI Work Plan	pending	Agency comments received July, 8, 2007	
6/13/07	Submit Response to Comments on Draft WP 1 technical memorandums	pending		
6/13/07	Submit Response to Comments on Supplemental RI Work Plan	6/15/07	EPA approval received July 15, 2007	

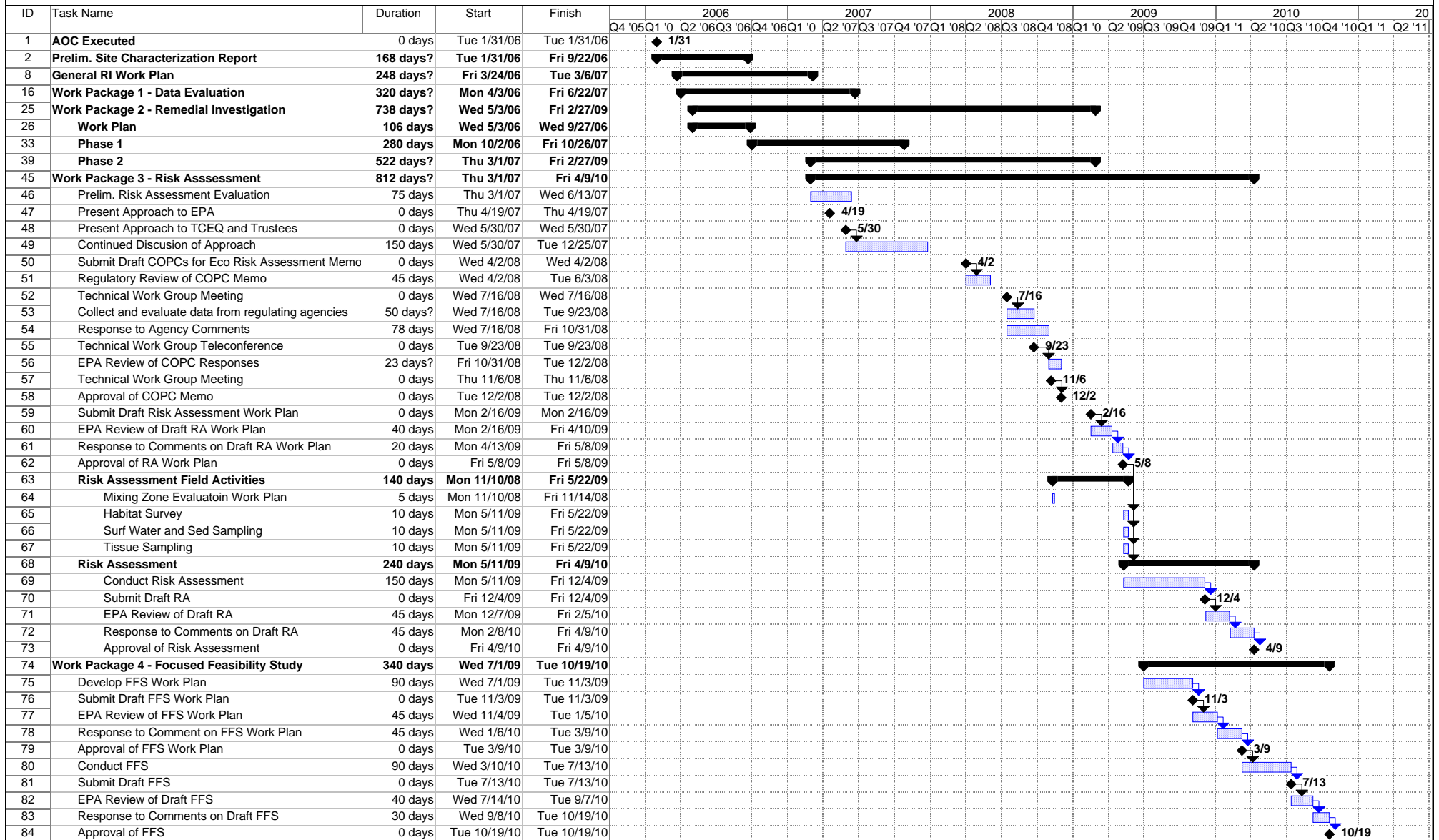
Table 1
Agency Communication Summary
Patrick Bayou Superfund Site

JDG Submittal Date	JDG Communication Summary	Response From EPA Date	EPA Communication Summary	Notes
4/2/08	Submit draft Selection of Contaminants of Potential Concern for Ecological Risk Assessment	6/3/08	Agency comments received June 3, 2008	
7/11/08	Draft Response to Comments on COPC Report			
7/24/08	Technical Memo – Sediment Toxicity and COPC Selection			
7/29/08	Agreements and Action Items – July 16, 2008 Tech Group Meeting			
9/23/08	Agreements and Action Items – September 23, 2008 Tech Group Meeting			

Project Schedule

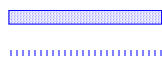
Patrick Bayou Superfund Site

Patrick Bayou JDG RI/FS



Project: Patrick Bayou
Date: Thu 10/9/08

Task
Split



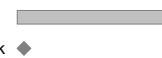
Progress
Milestone



Summary
Project Summary



External Tasks
External MileTask



Split

